

(b) Notification and search procedures

Procedures established under this section shall provide, at a minimum, for the following:

- (1) Notifying security personnel that a child is missing.
- (2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.
- (3) Issuing a Code Adam alert and providing a description of the child, using a fast and effective means of communication.
- (4) Establishing a central point of contact.
- (5) Monitoring all points of egress from the building while a Code Adam alert is in effect.
- (6) Conducting a thorough search of the building.
- (7) Contacting local law enforcement.
- (8) Documenting the incident.

(Pub. L. 108–21, title III, §363, Apr. 30, 2003, 117 Stat. 666.)

CODIFICATION

Section was enacted as part of the Code Adam Act of 2003 and also as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

CHAPTER 73—DEVELOPMENT OF ENERGY SOURCES

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5801. Congressional declaration of policy and purpose.

- (a) Development and utilization of energy sources.
- (b) Necessity of establishing Energy Research and Development Administration.
- (c) Separation of licensing and regulatory functions of Atomic Energy Commission.
- (d) Small business participation.
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SUBCHAPTER I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

5811. Establishment of Energy Research and Development Administration.

5812. Officers of Administration.

- (a) Administrator; appointment.
- (b) Deputy Administrator.
- (c) Qualifications of Administrator and Deputy Administrator.
- (d) Assistant Administrators; number; appointment; qualifications.
- (e) General Counsel.
- (f) Additional officers.
- (g) Director of Military Application; functions; qualifications; compensation.
- (h) Allocation of functions; responsibility for international cooperation.
- (i) Order of succession.

5813. Responsibilities of Administrator.

5814. Abolition and transfers.

- (a) Abolition of Atomic Energy Commission.
- (b) Transfer or lapse of functions of Atomic Energy Commission.
- (c) Functions of Atomic Energy Commission transferred to Administrator.
- (d) Transfer of General Advisory Committee, Patent Compensation Board, and Divisions of Military Application and Naval Reactors to Administration.

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- (e) Transfer to Administrator of certain functions of Secretary of the Interior and Department of the Interior; study of potential energy application of helium; report to President and Congress.
- (f) Transfer to Administrator of certain functions of National Science Foundation.
- (g) Transfer to Administrator of certain functions of Environmental Protection Agency.
- (h) Exercise of authority necessary or appropriate to perform transferred functions and carry out transferred programs.
- (i) Utilization of technical and management capabilities of other executive agencies; assignment of specific programs or projects in energy research and development.

5815.

Administrative provisions.

- (a) Rules and regulations.
- (b) Policy planning and evaluation.
- (c) Delegation of functions.
- (d) Organization.
- (e) Field offices.
- (f) Seal.
- (g) Working capital fund.
- (h) Information from other agencies.

5816.

Personnel and services.

- (a) Appointment and compensation of officers and employees.
- (b) Employment of experts and consultants.
- (c) Participation of military personnel.
- (d) Status of military personnel unaffected.
- (e) Transportation and per diem expenses.
- (f) Personnel of other agencies.
- (g) Advisory boards.
- (h) Employment of noncitizens.

5816a.

Repealed.

5817.

Powers of Administrator.

- (a) Research and development.
- (b) Facilities and real property.
- (c) Services for employees at remote locations.
- (d) Acquisition of copyrights and patents.
- (e) Dissemination of information.
- (f) Gifts and bequests.

5817a.

Employee-suggested research projects; approval; funding; reports.

5818.

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5819.

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5820.

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5821.

Annual authorization Acts.

- (a) General requirements; applicability to appropriations.
- (b) Requirements and limitations respecting funds appropriated for operating expenses.
- (c) Additional requirements and limitations respecting funds appropriated for operating expenses.
- (d) Requirements respecting amounts appropriated in annual appropriation Act for use in programs in excess of amount actually authorized for use in program not presented to, or requested of Congress; reduction in aggregate amount available for categories of coal, etc., from sums appropriated.
- (e) Requirements and limitations respecting merger of amounts appropriated for operating expenses or for plant and capital equipment.

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- (f) Availability until expended of amounts appropriated for operating expenses or for plant and capital equipment.
- (g) Performance of construction design services by Administrator.
- (h) Retention and use for operating expenses, and availability until expended, of moneys received by Administration; exceptions.
- (i) Requirements respecting transfers of sums appropriated for operating expenses to other Government agencies; merger of transferred sums.

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5841. Establishment and transfers.

- (a) Composition; Chairman; Acting Chairman; quorum; official spokesman; seal; functions of Chairman and Commission.
- (b) Appointment of members.
- (c) Term of office.
- (d) Submission of appointments to Senate.
- (e) Removal of members; prohibition against engagement in business or other employment.
- (f) Transfer of licensing and regulatory functions of Atomic Energy Commission.
- (g) Additional transfers.

5842. Licensing and related regulatory functions respecting selected Administration facilities.

5843. Office of Nuclear Reactor Regulation.

- (a) Establishment; appointment of Director.
- (b) Functions of Director.
- (c) Responsibility for safe operation of facilities.

5844. Office of Nuclear Safety and Safeguards.

- (a) Establishment; appointment of Director.
- (b) Functions of Director.
- (c) Responsibility for safeguarding special nuclear materials; high-level radioactive wastes and nuclear facilities.

5845. Office of Nuclear Regulatory Research.

- (a) Establishment; appointment of Director.
- (b) Functions of Director.
- (c) Cooperation of Federal agencies.
- (d) Responsibility for safety of activities.
- (e) Information and research services.
- (f) Improved safety systems research.

5846. Compliance with safety regulations.

- (a) Notification to Commission of non-compliance.
- (b) Penalty for failure to notify.
- (c) Posting of requirements.
- (d) Inspection and enforcement.

5847. Nuclear energy center site survey.

5848. Abnormal occurrence reports.

5849. Other officers.

- (a) Executive Director.
- (b) Functions of Executive Director.
- (c) Equal employment opportunity report.
- (d) Annual status report.
- (e) Additional officers.

5850. Unresolved safety issues plan.

5851. Employee protection.

- (a) Discrimination against employee.
- (b) Complaint, filing and notification.
- (c) Review.

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- (d) Jurisdiction.
- (e) Commencement of action.
- (f) Enforcement.
- (g) Deliberate violations.
- (h) Nonpreemption.
- (i) Posting requirement.
- (j) Investigation of allegations.

5852. Availability of funds.

- (a) Appropriations for salaries and expenses; additional purposes.
- (b) Appropriations for Office of Inspector General; additional purposes.
- (c) Use of program funds for salaries and expenses.
- (d) Use of funds to provide voluntary separation incentive payments.
- (e) Fiscal year applicability.

5853. Limitation on legal fee reimbursement.

SUBCHAPTER III—MISCELLANEOUS AND TRANSITIONAL PROVISIONS

5871. Transitional provisions.

- (a) Lapse of agency or other body from which functions or programs have been transferred and positions or offices therein.
- (b) Continuation of orders, determinations, rules, etc.
- (c) Effect of chapter on proceedings pending before Atomic Energy Commission or other department or agency.
- (d) Effect of chapter on suits commenced prior to effective date.
- (e) Abatement of suits, actions, or other proceedings by or against officer, department, or agency.
- (f) Continuation of suits; substitution of parties.
- (g) Judicial review of orders and actions in performance of transferred functions; statutory requirements relating to notices, hearings, action upon record, or administrative review.
- (h) References in other laws to department, agency, officer, or office whose functions have been transferred deemed reference to Administration, Administrator, or Commission.
- (i) Limitation, curtailment, etc., of presidential functions or authority.
- (j) References in chapter to provision of law deemed to include references thereto as amended or supplemented.
- (k) Functions conferred by chapter deemed in addition to and not substitution for functions existing before effective date.

5872. Transfer of personnel.

- (a) Provisions of law applicable.
- (b) Prohibition against separation or reduction in grade or compensation for one year after transfer.
- (c) Compensation in new position at not less than rate provided for previous position.

5873. Director of Office of Management and Budget; power to make dispositions.

5874. Definitions.

5875. Authorization of appropriations.

5876. Comptroller General audit.

5877. Reports to President for submission to Congress.

- (a) Report by Administrator on activities of Administration.

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- (b) Review of desirability and feasibility of transferring functions of Administrator respecting military application and restricted data to Department of Defense or other Federal agencies; report by Administrator.
- (c) Report by Commission on activities of Commission.

- 5878. Information to Congressional committees.
- 5878a. Funding and encouragement of small business; information for inclusion in report.
- 5879. Transfer of funds.

SUBCHAPTER IV—SEX DISCRIMINATION

- 5891. Sex discrimination prohibited.

§ 5801. Congressional declaration of policy and purpose**(a) Development and utilization of energy sources**

The Congress hereby declares that the general welfare and the common defense and security require effective action to develop, and increase the efficiency and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and enhancing environmental quality, and to assure public health and safety.

(b) Necessity of establishing Energy Research and Development Administration

The Congress finds that, to best achieve these objectives, improve Government operations, and assure the coordinated and effective development of all energy sources, it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including but not limited to the Atomic Energy Commission's military and production activities and its general basic research activities. In establishing an Energy Research and Development Administration to achieve these objectives, the Congress intends that all possible sources of energy be developed consistent with warranted priorities.

(c) Separation of licensing and regulatory functions of Atomic Energy Commission

The Congress finds that it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other functions of the Commission, and that this separation be effected in an orderly manner, pursuant to this chapter, assuring adequacy of technical and other resources necessary for the performance of each.

(d) Small business participation

The Congress declares that it is in the public interest and the policy of Congress that small business concerns be given a reasonable opportunity to participate, insofar as is possible, fairly and equitably in grants, contracts, purchases,

and other Federal activities relating to research, development, and demonstration of sources of energy efficiency, and utilization and conservation of energy. In carrying out this policy, to the extent practicable, the Administrator shall consult with the Administrator of the Small Business Administration.

(e) Priorities

Determination of priorities which are warranted should be based on such considerations as power-related values of an energy source, preservation of material resources, reduction of pollutants, export market potential (including reduction of imports), among others. On such a basis, energy sources warranting priority might include, but not be limited to, the various methods of utilizing solar energy.

(Pub. L. 93-438, § 2, Oct. 11, 1974, 88 Stat. 1233.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233, as amended, which enacted this chapter, amended sections 5313 to 5316 of Title 5, Government Organization and Employees, repealed sections 2031 and 2032 of this title, and enacted provisions set out as notes below. For complete classification of this Act to the Code, see Short Title note below and Tables.

EFFECTIVE DATE; INTERIM APPOINTMENTS

Section 312 of Pub. L. 93-438 provided that:

"(a) This Act [see Short Title note below] shall take effect one hundred and twenty days after the date of its enactment [Oct. 11, 1974], or on such earlier date as the President may prescribe and publish in the Federal Register [prescribed as Jan. 19, 1975, by Ex. Ord. No. 11834, formerly set out below] except that any of the officers provided for in title I of this Act [subchapter I of this chapter] may be nominated and appointed, as provided by this Act, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator and the Commission by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

"(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act."

SHORT TITLE

Section 1 of Pub. L. 93-438 provided that: "This Act [enacting this chapter, repealing sections 2031 and 2032 of this title, amending sections 5313 to 5316 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under this section] may be cited as the 'Energy Reorganization Act of 1974'."

SEPARABILITY

Section 311 of Pub. L. 93-438 provided that: "If any provision of this Act [See Short Title note above], or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby."